

APHC010219842026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 3349/2026

Between:

1.DEVINENI AVINASH, S/O RAJASEKHAR NEHRU, AGED ABOUT 37 YEARS,OCC POLITICAL SERVICE,R/O 48-4-16, ASHOK GARDEN, GUNADALA,VIJAYAWADA URBAN, KRISHNA DISTRICT. 520004

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, THROUGH STATION HOUSE OFFICER,IBRAHIMPATNAM POLICE STATION, NTR COMMISSIONERATE,REP.BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.

2.R VENKATESWARARAO, S/O UNKNOWN TO THE PETITIONER,OCC POLICE HC, IBRAHIMPATNAM POLICE STATIONR/O IBRAHIMPATNAM, NTR DISTRICT.521456

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Courtmay be pleased to quash the FIR.No.67/2026 on the file of the Ibrahimpatnam Police Station, NTR Commissionerate to the extent of petitioner is concerned in the interest of justice

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the

High Court may be pleased may be pleased to dispense with the filing of the certified copy of the FIR and copy of the Complaint in FIR.No.67/2026 on the file of the Ibrahimpatnam Police Station, NTR Commissionerate for time being period in the interest of Justice.

IA NO: 2 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased may be pleased to grant stay of all further proceedings in FIR.No.67/2026 on the file of the Ibrahimpatnam Police Station, NTR Commissionerate to the extent of petitioner is concerned pending disposal of the above Criminal Petition in the interest of Justice.

Counsel for the Petitioner/accused:

1.VELADI SAI SRI HARSHA

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 3349/2026****ORDER:**

This Criminal Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') has been filed, by the petitioner/Accused No.1, seeking quashment of the proceedings against him in Cr.No.67 of 2026 of Ibrahimpatnam Police Station, NTR Commissionerate, registered for the offence punishable under Section 170 of BNSS, 2023.

2. The facts of the case as per the occurrence report are that in view of the provocative statements made by the Ex-MLAs of the YSRCP Party, to observe the law and order around the vicinity, on 01.02.2026 at about 19.20 hours, the Head Constable of Ibrahimpatnam Police Station, Vijayawada City conducted vehicle check at West Ibrahimpatnam, along with the police staff and observed that the YSRCP leaders were proceeding from Nandigama towards Ibrahimpatnam to visit the house of Sri Jogi Ramesh and allegedly provoked the TDP leaders. In order to prevent the untoward incident and to maintain law and order, took custody of A.1 to A.4 and shifted them to Machavaram Police Station. Due to non-availability of the mediators at that point of time, the Station House Officer, drafted the occurrence report on 01.02.2026 itself and registered the same as a case in Crime No.67 of 2026 of Ibrahimpatnam Police Station for the offence punishable under Section 170 BNSS, 2023.

3. Sri Veladi Sai Sri Harsha, learned counsel for the petitioner and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor for respondent State. Perused the material on record.

4. Learned counsel for the petitioner would submit that the petitioner herein is arrayed as A.1 in the said Crime and that the petitioner is the Ex-MLA and he is travelling to the house of the Former Minister and the petitioner neither provoked anybody nor created any law and order problem. The learned counsel would further submit that the present crime is registered basing on the occurrence report drafted by the Police Officer and registered the same as crime for the offence punishable under Section 170 BNSS, 2023 and there cannot be any crime for the offence under Section 170 of BNSS, 2023 and it is only a prevention from detention. Further, there is no iota of material in respect of the essential ingredients for the alleged offence and registration of crime based on the occurrence report is abuse of process of law.

5. Learned Assistant Public Prosecutor on instructions would submit that the Investigating Officers are taking steps to close the crime. Learned Assistant Public Prosecutor would submit that the Court may pass appropriate Orders.

6. It is brought to the notice of this Court by the learned counsel for the petitioner that in respect of the same crime, this Court, by order dated 31.03.2026 in CrI.P.No.1803 of 2026, has already quashed the proceedings

against Accused No.2, and the case of the present petitioner stands on the same footing.

7. Upon considering the submissions and perusal of the record, it is evident that the registration of the present crime is based merely on an apprehension that the petitioner and others might cause a law and order issue. There is no material indicating commission of any cognizable offence. Further, the earlier order of this Court quashing proceedings against a co-accused in the same crime lends support to the case of the present petitioner.

8. It is a settled principle of law that where the complaint or material on record does not disclose the essential ingredients of an offence, continuation of criminal proceedings would amount to abuse of process of law.

9. In the facts and circumstances of the case, this Court is of the considered view that it is a fit case to exercise inherent powers to quash the proceedings against the petitioner.

10. Accordingly, the Criminal Petition is allowed. The proceedings against the petitioner/Accused No.1 in Crime No.67 of 2026 on the file of Ibrahimpatnam Police Station, NTR Commissionerate, are hereby quashed.

Pending miscellaneous petitions, if any, shall stand closed.

DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

Dated 23.04.2026

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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CRIMINAL PETITION NO: 3349/2026

Dated 23.04.2026

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